

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-17 are pending, with Claims 1, 3, 9-11, 17 amended by the present amendment.

In the Official Action, Claims 1-3, 9-11 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy (U.S. Patent No. 6,564,380) in view of Sheridan (U.S. Patent No. 5,760,917); Claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy and Sheridan in view of Arai et al. (U.S. Patent No. 6,751,401, hereafter Arai); Claims 5, 8, 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy and Sheridan in view of Nelson (U.S. Patent No. 6,496,568); and Claims 6-7, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy and Sheridan in view of Waytena et al. (U.S. Patent No. 5,978,770, hereinafter Waytena).

Independent Claims 1, 9 and 17 are amended to recite setting a reservation and streaming information from a live distribution source. Support for this amendment is found in Applicants' originally filed specification.¹

Applicants acknowledge with appreciation the personal interview between the Examiner and Applicants' representative on May 3, 2006. During the interview, the presently amended claims were compared with Murphy and Sheridan. The Examiner acknowledged that these references failed to disclose or suggest Applicants' claimed invention, as Murphy does not disclose reservations for 3rd parties and Sheridan does not disclose streaming or distributing to 3rd parties based on reservations made on their behalf.

¹ Specification, pages 84-94.

Briefly recapitulating, amended Claim 1 is directed to a content distribution notification method of informing a third party by a first party that a content distribution will be performed based on a reservation by a first party distributor terminal apparatus the a reservation for use of a distribution server, via a reservation control apparatus for controlling a reservation status of the distribution server, via a first network, and for performing a content live distribution using the distribution server based on the reservation, in order to perform the content live distribution using the distribution server for distributing content by streaming via the network to the client terminal apparatus. The content distribution notification method includes a reservation requesting step of sending reservation request information including a desired service time to use the distribution server and third party contact address who should be informed that the content distribution will be performed, from the first party distributor terminal apparatus to the reservation control apparatus via a network. The method also includes setting a reservation based on said reservation request information. The method also includes a subsequent notifying step of sending the notification information based on the reservation request information and for notifying the third party that the content distribution will be performed, from the reservation control apparatus to the third party contact address via the network when the content distribution using the distribution server in the desired service time included in the reservation request information is permitted. The method also includes streaming the content distribution from a live distribution source to the third party.

Murphy describes an Internet-based video feed management system that controls, manages and administers the commercial distribution of live video feed from onsite video cameras as well as other sources of video feeds to production companies and other locations.² In Murphy, a requesting party can designate one or more persons authorized to access a video feed at a particular time, such as a director at a terminal for viewing the video feed and a

² Murphy, Abstract.

studio technician at another terminal for capturing the video feed for later editing or retransmission. Alternatively, a requesting party can designate a list of subscribers who have paid to view a particular video feed of a live event.³

In one embodiment of Murphy, a master feed list is maintained at a master authorization server. The master feed list is continuously updated with feed availability information sent by local servers. Any party that comes to the master server site can view the master feed list. The master server can provide user functions such as search and query to assist with finding desired video feeds, or allow the user to profile the types of feeds it may want to access and send automatic notification when such feeds become available.⁴ Also, a Master Web site is the home site for the system's network, and is the site to which users of the system log on to find what video feeds are available and to request and contract for access to a desired video feed.⁵

Murphy describes Live Video Feeds that are feeds being captured of a live event at a local source, and are made available to a requesting party at scheduled dates and times for the events. They can include, for example, live performances, telemedicine conferencing, in-classroom distance learning, videoconferencing, or live customer service or sales support. The listing of live video feeds obtained through remotely controllable cameras can be offered to the requesting party with the option of remote control of the capture of a live video feed.⁶

However, Murphy does not disclose or suggest sending reservation request information to a distribution server, along with contact addresses of clients who should be informed that the content distribution will be performed. Murphy also fails to disclose or suggest a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the

³ Murphy, column 11, lines 45-52.

⁴ Murphy column 12, lines 23-34.

⁵ Murphy, column 7, lines 30-45

⁶ Murphy, column 12, lines 35-45.

notification is sent to the contact addresses of the client users. That is, Murphy fails to disclose or suggest a method of reserving by a first party content distribution assets on behalf of third parties, and then notifying the third parties of the time that the content will be distributed. Indeed, the only notification function described in Murphy concerns the automatic notification described in column 12. Here the user (i.e., a first party) profiles the types of feed that it, *the first party*, may want to access. That is, the notifications described in Murphy are established *by the first party* and sent *to the first party*. Applicants' claimed invention, however, enables a first party (the user of the claimed distributor terminal apparatus) to make reservation requests on behalf of a third party (the user of the claimed client terminal apparatus) for use of a distribution server via a reservation control apparatus. Murphy fails to disclose or suggest any ability for a distributor of streaming information to make reception reservation requests on behalf of a third party of any kind, let alone making reservations via a reservation control apparatus for the intended recipient of the streaming content for access to the data coming from a distribution server.

Furthermore, as discussed during the interview of October 27, 2005, Murphy fails to disclose or suggest Applicants' claimed cancellation notice and change notice recited in Claims 4-5 and 12-13. Also as discussed during the interview, Murphy fails to disclose or suggest Applicants' claimed reconfirmation as recited in Claims 6-7 and 14-15.

Sheridan describes a distribution system and method where the system includes a first terminal remote from a hub station having a selection from among a plurality of possible access rights to generate a granted access right set which contains a set of access rights to a remotely stored image set. The system also includes an input for allowing input of a third party electronic address associated with the granted access right set. The device also includes storage for the granted access right set and associated access identification and an automatic

transmitting from the hub station to the third party electronic address.⁷ The process of Sheridan culminates with a step of allowing, at the hub terminal, a second terminal to access *an image set* stored at the hub station, the access constrained to only be in accordance with a granted access right set.

However, Sheridan does not disclose or suggest streaming media content in real time to a third party as recited in Applicants' amended independent claims. Because Sheridan is directed to allowing access to static images, and not live content data, Sheridan fails to cure the deficiencies of Murphy. That is, because the data of Sheridan is static, there is no distribution schedule for the 3rd parties to be aware of. 3rd parties, upon notification that images are available, may simply log on any time to retrieve these images. Thus, like Murphy, Sheridan does not disclose or suggest sending reservation request information to a distribution server, along with contact addresses of clients who should be informed that the content *distribution* will be performed.

Sheridan also fails to disclose or suggest a subsequent step of sending notification information based on the reservation request information and for notifying that the content *distribution* will be performed where the notification is sent to the contact addresses of the client users. That is, Sheridan fails to disclose or suggest a method of reserving by a first party content *distribution* assets on behalf of third parties, and then notifying the third parties of the time that the content will be distributed. Applicants' claimed invention, however, enables a first party (the user of the claimed distributor terminal apparatus) to make reservation requests on behalf of a third party (the user of the claimed client terminal apparatus) for use of a *distribution server* via a *reservation control apparatus*. Sheridan fails to disclose or suggest any ability for a distributor of streaming information to make reception reservation requests on behalf of a third party of any kind, let alone making reservations via a

⁷ Sheridan, Abstract.

reservation control apparatus for the intended recipient of the streaming content for access to the data coming from a distribution server. Sheridan fails to disclose or suggest Applicants' claimed cancellation notice and change notice recited in Claims 4-5 and 12-13. Sheridan also fails to disclose or suggest Applicants' claimed reconfirmation as recited in Claims 6-7 and 14-15.

Also, because the data of Sheridan is static (not live), there is no motivation for Sheridan to include the features missing from Murphy. Similarly, because the system of Murphy is subscription based, there is no motivation in Murphy to add a 3rd party reservation/notification system as recited in Applicants' amended independent claims. Applicants submit there is no teaching, suggestion, or motivation, either explicitly or implicitly, in either reference to combine the video feed system of Murphy with the static image system of Sheridan to arrive at Applicants' inventions recited in Claims 1, 9 and 17. Thus, Applicants submit it is only through an impermissible hindsight reconstruction of Applicants' invention that the rejection of Claims 1, 9 and 17 can be understood.⁸

Finally, Applicants submit that the remaining applied references do not cure the deficiencies of Murphy and Sheridan relative to independent Claims 1, 9 and 17

MPEP § 706.02(j) notes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found

⁸ MPEP § 2143.01 "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge of one of ordinary skill in the art."

in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Without addressing the first two prongs of the test of obviousness, for the previously described reasons, Applicants submit that the Official Action does not present a *prima facie* case of obviousness because both Murphy and Sheridan fail to disclose all the features of Applicants' claimed invention.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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